

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF
BRYAN PETER FERNANDES**

Debtor

CAUSE NO: 19-11032

**RESPONSE IN OPPOSITION TO TRUSTEE'S
MOTION TO COMPEL TURNOVER (Dkt. 12)**

COMES NOW, Debtor, BRYAN PETER FERNANDES, by and through his attorney of record, Femi Salu, of Salu & Salu Law Firm, PLLC, and submits his Response in Opposition to Trustee's Motion to Compel Turnover (Dkt. 12) and as cause would show unto this Honorable Court the following, to – wit:

1. On or around February 13, 2019, Debtor received his 2018 Mississippi State Tax Refund of \$ 476.00, which was deposited in his checking account.
2. On or around February 26, 2019, he also received his 2018 Federal Tax Refund of \$ 4,686.61, which was deposited in his checking account. The total amount of Debtor's tax refund was \$ 5,162.61.
3. On March 11, 2019, Debtor filed a Chapter 7 bankruptcy. In his schedules, he properly listed the Federal and State tax refunds and claimed exemptions under Miss. Code Ann. § 85-3-1(j) and (k).
4. Debtor avers that the tax refund of \$ 5,162.61 is exempt and should not be distributed to creditors.
5. Furthermore, Debtor avers that depositing the funds into his checking account did not change the exempt status of the tax refunds.

6. Therefore, Debtor requests that Trustee's Motion to Compel Turnover should be denied.

WHEREFORE PREMISES, Debtor prays for the following:

- I. An Order denying Trustee's Motion to Compel Turnover.
- II. General Relief.

Submitted this the 13th day of May, 2019.

/s/ Femi Salu

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CERTIFICATE OF SERVICE

I, hereby certify that on May 13, 2019, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notification of such filing to U.S Trustee, Locke D. Barkley, Chapter 13 Trustee and attorneys of record.

This Monday, May 13, 2019.

/s/ Femi Salu

Femi Salu